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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,582	09/09/2003	Markus Durre	01-0035	3411

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FRÜDENBERG-NOK GENERAL PARTNERSHIP  
LEGAL DEPARTMENT  
47690 EAST ANCHOR COURT  
PLYMOUTH, MI 48170-2455

EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/658,582

Applicant(s)

DURRE, MARKUS

Examiner

Thomas J. Williams

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Acknowledgment is made in the receipt of the remarks filed September 30, 2005.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2,797,931 to Hans in view of DE 2932440 to Pletsch.

Re-claims 1 and 10, Hans teaches in figures 3-5 a vibration mounting assembly for interconnecting a longitudinally extending first member 12 with a second member 4, the mounting assembly comprising: a central stud 13a attached to the longitudinally extending first member 12 at a first end, the longitudinally extending member is attached to a third member (such as a second stud 13, see figure 3) at a second end; an open hollow bracket 9 that surrounds the stud; and elastic members, such as coils or elastic rubber, interconnecting the stud with the bracket. During movement of element 12 one set of elastic members will be in compression while the other set of elastic member will be in tension. However, Hans fails to teach the elastic supports as being configured as elastomeric beam structures, and wherein the structures have a softer characteristic in a direction generally transverse to an axial direction than in the axial direction.

Pletsch teaches a simple compact elastomeric mount assembly comprising beam structures 15/16 that support an axial beam 7 relative to a housing 3. Beam structure 16 has a

Art Unit: 3683

smaller cross sectional area than beam structure 15. Thus the support characteristics in a transverse direction (i.e. downwardly) would be softer than in the axial direction of beam 7, since the axial support direction would have included the support characteristics of beam 15. It would have been obvious to one of ordinary skill in the art to have utilized the beam support structure taught by Pletsch in the damper of Hans, as the situation warranted and since both structures are seen as being functionally equivalent.

Re-claim 2, the second member is a vehicle.

Re-claims 3-8, the beam structures of Pletsch would have extended along the stud in both opposite generally lateral and longitudinal directions (when viewing the top beams), and generally parallel lateral and longitudinal directions (when viewing diagonally opposite beams). The beams are rubber and can be made of a synthetic as is common in the art. Synthetics will provide a longer lifespan over rubber.

Re-claim 9, Hans teaches a pair of vibration mounting assemblies used to support element 12.

Re-claim 12, diametrically opposite beams are generally parallel to one another.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans in view of Pletsch as applied to claim 1 above, and further in view of US 3,450,379 to Nolan.

Hans as modified by Pletsch teach the beam structures having a main portion generally disposed at an angle between the stud member (element 13a in Hans and element 7 in Pletsch) and the hollow member (9 and 3 respectively). However, Hans as modified by Pletsch fail to teach the elastomeric beam structures surrounding less than half the circumference of the stud member.

Art Unit: 3683

Nolan teaches a plurality of beam support structures disposed between a stud member and a hollow housing. The beam structures take up less than half the circumference of the stud member. It would have been obvious to one of ordinary skill in the art to have utilized the teachings of Nolan by minimizing the size of the beam structures in the damper assembly of Hans as modified by Pletsch, thus reducing the weight of the damper assembly.

### ***Response to Arguments***

5. Applicant's arguments filed September 30, 2005 have been fully considered but they are not persuasive. Each of the elements 15 and 16 are broadly interpreted as beams, in that they support an attached structure. In the case of Hans as modified by Pletsch, each of the beams 15 and 16 would support stud member 13a, which is attached to longitudinally extending member 12. The hydraulic damping aspect of Pletsch is not relevant to the rejection, only the teachings of using opposing beam structures for supporting a stud member are relied upon when forming the rejection. It is the opinion of the examiner that members 15 and 16 would be capable of supporting the longitudinally extending member without the presence of the fluid. As such the rejection is maintained.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 3683

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached at 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

November 10, 2005

THOMAS WILLIAMS  
EXAMINER

Thomas Williams  
AU 3683  
11-10-05